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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/435,507 11/08/99 CRUZ

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EXAMINER

TM02/0327

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ART UNIT

PAPER NUMBER

2162
DATE MAILED:

03/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/435,507

Applicant(s)
Anthony V. CRUZ

Examiner
Stephen M. Gravini

Group Art Unit
2162



☒ Responsive to communication(s) filed on Feb 14, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-16 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-16 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 102

1. Claims 1-5, 8-12, and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Andis (5,590,475) or under 35 U.S.C. 102(b) as being anticipated by Picozza et al. (6,026,590). Andis discloses an appliance comprising:

a portable electric appliance **19** having an elongate handle **25** and power switch **21** mounted on said handle, said power switch including an operating member which can be manually moved into a position to open said switch to deenergize the appliance (please see column 3 lines 17-35 which explicitly teach the opening the switch to deenergize the appliance); and

a wall mount **17** comprising a one-piece, molded plastic body (the one-piece molded plastic is disclose at column 1 line 35) having a front face **91** and a rear face **121**, said front face having a switch-engaging surface portion **33** adapted to engage said switch operating member **45** to open said switch as said appliance is assembled onto said wall mount in the event an attempt is made to assemble said appliance on said wall mount when said power witch is close and said appliance is, therefore, energized (again please see column 3 lines 17-35 which explicitly teach the opening the switch to deenergize the appliance while particularly viewing figures **7 & 8** which show the switch-engaging surface portion adapted to engage said switch operating member to open said switch as said appliance is assembled onto said wall mount). Andis also shows the claimed clamped jaws (figure **2**) facing each other feature (figure **1**), the resilient projections **91** to

pull the appliance handle **19** (figures **5 & 6**), the recessed handle housing wall mount (figures **1 & 2**), and the electrical appliance being a portable hair dryer (please see column 1 line 12).

Simultaneously, Picozza et al. discloses an appliance comprising:

a portable electric appliance **11** having an elongate handle **15** and power switch **36** mounted on said handle, said power switch including an operating member which can be manually moved into a position to open said switch to deenergize the appliance (please see column 3 lines 1-12 which explicitly teach the opening the switch to deenergize the appliance); and

a wall mount **12** comprising a one-piece, molded plastic body (examiner points out that it is inherent that the body is made of molded plastic because examiner has used the patented Sunbeam product in the summer of 1998 which was the subject of the Picozza et al. reference) having a front face **34** and a rear face **42**, said front face having a switch-engaging surface portion **36** adapted to engage said switch operating member **40** to open said switch as said appliance is assembled onto said wall mount in the event an attempt is made to assemble said appliance on said wall mount when said power switch is closed and said appliance is, therefore, energized (again please see column 3 lines 1-12 which explicitly teach the closing of the power switch to energize the appliance). Picozza et al. also shows the claimed clamped jaws (figure **2**) facing each other feature (figure **1 & 2**), the resilient projections **40** to pull the appliance handle **15** (figures **1 & 2**), the recessed handle housing wall mount (figures **2 & 3**), and the electrical appliance being a portable hair dryer (please see the reference title).

Claim Rejections - 35 U.S.C. § 103

2. Claims 6, 7, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andis or Picozza et al. in view of Chan (5,857,263). Chan discloses the claimed invention except for the extending power cord and power cord slot and reel. Chan teaches that it is known to provide an extending power cord and power cord slot and reel as set forth at column 5, lines 28-40. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the extending power cord and power cord slot and reel, as taught by Chan in order to allow great user efficiency without the inconvenience of a dangling power cord during normal user operations.

Response to Arguments

3. Applicant's arguments filed February 14, 2001 have been fully considered but they are not persuasive. Applicant believes that the sole independent claim is allowable over the prior art because Andis does not disclose a wall mount "having a front face, and said front face having a switch engaging surface portion adapted to engage said switch operating member..." Examiner views figures 7 & 8, when read with column 3 lines 17-35, as the front surface 33 being adapted to engage the switch operating member 45. Examiner interprets this Andis disclosure as directly anticipating applicant's argued patentable feature. Applicant also argues that Picozza does not disclose a switch operating member on an appliance handle and does not have a switch-engaging surface on the front face of a wall mount. However examiner knows that the switch 36, has another switch 61 that is mounted on the handle, which is inherent to one skilled in the art of

portable electric appliances. Switch **61** is shown in figures **7 & 8** and described at column 3 lines 50-60 and would be inherently mounted on the handle. Examiner interprets the switch engaging surface on the front face of a wall mount to be the handle shaped channel **34** which contains the claimed switch. Examiner agrees that the Chan reference shows an appliance with a switch-operating member on a handle. However, Chan is used not to obviate the applicant's switch operating member engagement with the mounting member but rather to show that one skilled in the art could provide an extending power cord and power cord slot and reel to the teachings of Andis or Picozza et al. For these reasons, the rejections are maintained since the prior art teaches the claimed invention.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Gravini whose telephone number is (703) 308-7570 and electronic transmission/e-mail address is "steve.gravini@uspto.gov". **If applicants chose to send information by e-mail, please be aware that confidentiality of the electronically transmitted message cannot be assured.** Please see MPEP § 502.01.



STEPHEN M. GRAVINI
PRIMARY EXAMINER

smg
March 23, 2001